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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,467	01/23/2004	Makiko Mori	02910.000113.	5471
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EXAMINER				
SITTA, GRANT				
ART UNIT		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/762,467

Applicant(s)

MORI, MAKIKO

Examiner

GRANT D. SITTA

Art Unit

2629

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/07/2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-5, and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ando et al (5,841,486) in view of Applicant Admit Prior Art (AAPA).

4. In regards to claim 1, Ando et al video display apparatus comprising:
a display brightness featured value detecting circuit for detecting a display brightness featured value indicating a brightness of a display screen (fig. 4 015);
an adjustment circuit for adjusting the converted video signal on the basis of said display brightness featured value to output an adjusted video signal (fig. 4 (16, 21 and 22)); and

a superimposing circuit for superimposing a signal for displaying textual information or an icon on the video signal to output a superimposed video signal (fig. 4 (025)).

wherein said display brightness featured value detecting circuit detects the display brightness featured (fig. 4 col. 32-40 "ABL") value from the superimposed video signal output from said superimposing circuit indicating brightness of the display screen in a state that the textual information or the icon is superimposed (col. 4, lines 40-63), and

wherein an image is displayed on the basis of the superimposed video signal output from said superimposing circuit .

Ando does not expressly state a converting circuit for executing nonlinear conversion for an input video signal to output a converted video signal.

However, AAPA teaches a method to provide a converting circuit for executing nonlinear conversion for an input video signal to output a converted video signal ([0006]).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Ando to include the use of a converting circuit for executing nonlinear conversion for an input video signal to output a converted video signal as taught by AAPA in order to provide to proper input vs. light emission characteristics for a display as stated in ([0006-0008]).

5. In regards to claim 2, Ando as modified by AAPA teaches a video display apparatus as defined in claim 1, wherein said adjustment circuit is an adjustment circuit for adjusting the converted video signal on the basis of a plurality of display brightness featured values which are sequentially detected (fig. 2d and 2E "1H" col. 4, lines 55-67 Ando). Examiner notes video signals comprises frames ("1H") which are sequentially supplied to produce a video signal.

6. In regards to claim 3, Ando as modified by AAPA teaches a video display apparatus as defined in claim 1 or 2 (Examiner is examining claim 3 as dependent on claim 1), wherein said adjustment circuit is also an adjustment circuit for adjusting the converted video signal on the basis of a brightness control value relating to an adjustment of image quality (col. 4, lines 25-67 APL which encompasses ABL/ACL brightness and contrast Ando).

7. In regards to claim 4, Ando as modified by AAPA teaches wherein said display brightness featured value is a sum or average value of display signals for a predetermined period (col. 4, lines 32-40 "ABL" average brightness level and ratio of detected APL levels Ando).

8. In regards to claim 5, Ando as modified by AAPA teaches video display apparatus as defined in claim 1, wherein said display brightness featured value is the number of signals of the display signals for a predetermined period which have a

greater value than a predetermined value (col. 4, lines 32-40 ratio of detected APL levels Ando).

9. In regards to claim 7, Ando as modified by AAPA teaches wherein said display brightness featured value is a sum or *average value of brightness* components of display signals for a predetermined period (col. 4, lines 40-67 "ABL" average brightness level Ando).

10. In regards to claim 8, Ando as modified by AAPA teaches a video display apparatus as defined in claim 1, wherein said display brightness featured value is a statistical value of display signals in a specific area of one display screen (col. 4, lines 40-67 "ABL" average brightness level Ando). Examiner notes an average is a statistical value.

11. In regards to claim 9, Ando as modified by AAPA teaches wherein pixels of said video display apparatus are constructed of display elements arranged in matrix (col. 1, lines 8-30 CRT and television Ando).

12. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ando and AAPA, in view of Kumaki et. al (US 5,619,229) hereinafter Kumaki .

13. In regards to claim 6, Ando and AAPA differ from the claimed invention in that Ando and AAPA do not expressly disclose display brightness featured value is a sum or average value of display signals for each color for a predetermined period.

However, Kumaki teaches means wherein said display brightness featured value is a sum or average value of display signals for each color for a predetermined period (col. 5, lines 20-28)).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Ando and AAPA to include the use of display brightness featured value is a sum or average value of display signals for each color for a predetermined period as taught by Kumaki in order to provide a display apparatus that can adjust color temperature and thus enhance handling properties and display quality as stated in (col. 1-2, lines 65-27 of Kumaki).

14. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ando and AAPA, in view of Tanada et. al (US 6,774,578) hereinafter, Tanada.

15. In regards to claim 10, Ando and AAPA differ from the claimed invention in that Ando and AAPA do not disclose wherein said display elements are electro-emission elements, and said display brightness featured value detecting circuit generates said display brightness featured value on the basis of a value of emission current emitted from said electro-emission element.

However, Tanada teaches a system and method for wherein said display elements are electro-emission elements, and said display brightness featured value detecting circuit generates said display brightness featured value on the basis of a value of emission current emitted from said electro-emission element. (col. 5, lines 23-55 of Tanada).

It would have been obvious to one of ordinary skill in the art, at the time of the invention, to modify Ando and AAPA to include the use of wherein said display elements are electro-emission elements, and said display brightness featured value detecting circuit generates said display brightness featured value on the basis of a value of emission current emitted from said electro-emission element as taught by Tanada in order to provide wider viewing angle and longer life over CRTs.

Response to Arguments

16. Applicant's arguments with respect to claims 1-10 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to GRANT D. SITTA whose telephone number is (571)270-1542. The examiner can normally be reached on M-F 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sumati Lefkowitz can be reached on 571-272-3638. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sumati Lefkowitz/
Supervisory Patent Examiner, Art Unit 2629

/GDS/
Examiner, Art Unit 2629
April 29, 2009